

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : **David Elberbaum**

Title : **Method and Apparatus for Continuous Feed of Disks for Recording Digital Video Signals and Authenticating the Digitally Recorded Disks**

Patent No. : **7,315,685** **Serial No.:** **09/759,588**

Issued : **Jan. 1, 2008** **Filing Date:** **Oct. 16, 2000**

October 24, 2008

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR EXCUSE IN ERROR OF PAYMENT OF FEES AS SMALL ENTITY
PURSUANT TO 37 CFR § 1.28 (C)**

To the Commissioner for Patents:

It has now come to the applicant's attorneys' attention that the fees paid for the above-referenced patent application were incorrectly and in good faith paid as a small entity. . Thus, it is hereby requested that the error in payment of the fees as a small entity be excused and the deficiency fees be accepted.

The fees incorrectly paid as a small entity are itemized in the table below. As detailed on the table below, the total deficient amount to be paid is \$1,825.00 The commissioner is hereby authorized to charge the total deficient amount on Deposit Account No. 50-1290.

| Large Entity Fee Due | Small Entity Fee Paid | Date of Payment of Small Entity Fee | Deficient Amount Now Due |
|--|--|--|---|
| Extension for response within second month \$490.00 | Extension for response within second month \$225.00 | 03/06/06 | Extension for response within second month \$265.00 |
| Request for continued examination (RCE) \$810.00 | Request for continued examination (RCE) \$395.00 | 09/26/06 | Request for continued examination (RCE) \$415.00 |
| Extension for response within second month \$490.00 | Extension for response within second month \$225.00 | 09/06/06, 09/26/06 ¹ | Extension for response within second month \$265.00 |
| Extension for response within first month \$130.00 | Extension for response within first month \$60.00 | 03/26/07 | Extension for response within first month \$70.00 |
| Utility Issue Fee \$1,510.00 | Utility Issue Fee \$700.00 | 09/25/07 | Utility Issue Fee \$810.00 |
| Total Deficient Amount Now Due: \$1,825.00 | | | |

It is believed that no other deficiencies or fees are due with this paper. However, the commissioner is hereby authorized to charge any such fees to the Deposit Account No. 50-1290.

A Power of Attorney and a Statement Under 37 CFR 3.373(b) are being submitted herewith.

¹ \$60.00 was paid on 9/06/06 with a request for an extension for response within one month; on 09/26/08 \$165.00 was paid to extend the time for response to a second month. Thus, the total paid for the extension for response within two months was \$225.00

Please direct any inquiries regarding this paper to the Applicant's undersigned attorney who may be reached directly by telephone at (212)940-8712.

Respectfully submitted,

/Linda S. Chan/

Linda S. Chan

Reg. No. 42,400

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